

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HEAD SPORT GMBH,

Plaintiff,

-against-

UP TOWN SPORT INC., et al.,

Defendants.

23-CV-10172 (LAK) (RFT)

**ORDER**

**ROBYN F. TARNOFSKY, United States Magistrate Judge:**

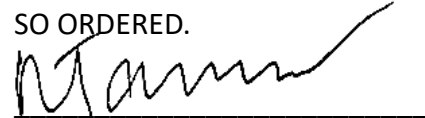
Plaintiff timely served Defendant Up Town Sport Inc. (“Up Town”) with the summons and complaint in this case on December 5, 2023. (See ECF 12.) Up Town’s response to the complaint was due on December 26, 2023, but no counsel has appeared on behalf of Up Town. The parties engaged in settlement talks under my supervision, I repeatedly reminded Up Town that, because it is not a natural person, it is not permitted to litigate pro se. (See ECF 20.) On April 22, 2024, I issued an Order requiring Up Town to locate counsel by May 19, 2024. (See ECF 53.) I stated that, if no counsel filed a notice of appearance on behalf of Up Town by 5:00 p.m. on that date, I expected to issue an order pursuant to Federal Rule of Civil Procedure 55 instructing Plaintiff to seek a default judgment against Up Town for failure to defend this action. (See *id.*) No such notice of appearance has been filed.

It is ORDERED that Plaintiff shall, by no later than **June 3, 2024**, begin the process of seeking a default judgment against Up Town, in accordance with Rule 55 of the Federal Rules of Civil Procedure and my Individual Rules. Failure to comply with this Order may, in itself, result in a report and recommendation that Plaintiff’s claims against Up Town be dismissed for failure to prosecute.

Plaintiff is directed to mail by **May 23, 2024** a copy of this Order to Up Town Sport at its principal place of business, identified in the Request for Issuance of Summons as 224 W. 35th St., Ste. 306 New York, NY 10001. (See ECF 9.) Plaintiff is directed to file confirmation of such mailing on the docket by **May 24, 2024**.

DATED: May 21, 2024  
New York, New York

SO ORDERED.

A handwritten signature in black ink, appearing to read 'RTarnofsky', written over a horizontal line.

**ROBYN F. TARNOFSKY**

United States Magistrate Judge